

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PATRICIA COSGROVE

Plaintiff

v.

**NEW SEABURY RESOURCES
MANAGEMENT, INC.,**

Defendant.

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CIVIL ACTION NO. 05-10791- GAO

DEFENDANT MOTION FOR SUMMARY JUDGMENT

New Seabury Resources Management, Inc., Defendant in the captioned matter, ("NSRM") by its undersigned attorney, hereby moves pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 for summary judgment on the Complaint of Plaintiff Patricia Cosgrove.

In support of its motion, NSRM relies upon the accompanying memorandum of law together with related attachments and the Affidavits of Michele M. O'Brien, John Shea and Lauralee Taddeo, all filed herewith.

REQUEST FOR ORAL ARGUMENT

NSRM respectfully requests that the Court grant it oral argument on its motion for summary judgment, because oral argument will assist the Court in resolving the issues raised in the motion.

WHEREFORE, NSRM respectfully requests that the Court grant its motion for summary judgment on the Complaint and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

**NEW SEABURY RESOURCES
MANAGEMENT, INC.,**

By its attorney,

s/ Howard I. Wilgoren
HOWARD I. WILGOREN.
6 Beacon Street Suite 700
Boston, MA 02108
(617) 523 - 5233
BBO No. 527840

DATED: June 12, 2006

CERTIFICATE OF SERVICE

I, hereby certify that on this ___ day of June 2006 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to plaintiff by electronically serving her counsel of record.

s/ Howard I. Wilgoren
Howard I. Wilgoren

RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.0 I, Howard I. Wilgoren hereby certify that on June 7, 2006 I conferred with Hillary Schwab, counsel for Plaintiff Patricia Cosgrove, in good faith to resolve or narrow the issues presented in the foregoing motion. Notwithstanding this good faith attempt, we were unable to resolve or narrow these issues.

s/ Howard I. Wilgoren
Howard I. Wilgoren

CERTIFICATE OF SERVICE

I, Howard I. Wilgoren, hereby certify that the foregoing document was filed through the ECF system on June 12, 2006, and that a true paper copy of this document was sent to those indicated as non registered participants on the Notice of Electronic Filing on May 31, 2006 by first class mail. I further certify that a courtesy copy of the foregoing document was served on June 12, 2006 by first class mail upon plaintiff's counsel Hilary Schwab, Esquire, 18 Tremont Street, Boston, MA 02108

s/ Howard I. Wilgoren _____
Howard I. Wilgoren

Dated: June 12, 2006